




Report to the Auburn City Council

Action Item
Agenda Item No. **11**


City Manager Approval

To: Mayor and City Council Members
From: John Ruffcorn, Chief of Police
Date: March 24, 2014
Subject: SB 731 Letter of Support

The Issue

This is an overview of current proposed legislation in regards to the massage industry.

Conclusion and Recommendation

After review and discussion, it is recommended that Council provide a letter of support to the League of California Cities to allow SB 731 expire, or make significant changes to the existing legislation, taking into consideration the recommendations that are, and will be, provided by the California Police Chiefs Association.

History / Background

SB 731 specifies the requirements that for the City to issue an applicant a certificate as a massage therapist, the requirements must include, but not limited to, (1) successfully completing curricula in massage and related subjects totaling a minimum of 500 hours or the credit unit equivalent, as specified, or (2) successfully completing curricula in massage and related subjects totaling a minimum of 250 hours, as specified, and passing a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards, and that is approved by the council.

The League of California Cities has suggested changing SB 731 to require an applicant for a certificate as a massage therapist to successfully complete curricula in massage and related subjects totaling a minimum of 500 hours or the credit unit equivalent, as specified, and to pass the massage and bodywork competency assessment examination as described above.

The proposed changes would also authorize a city to require a massage establishment or business described above to apply for and receive a revocable certificate of registration. The proposed changes would authorize the city to require from an applicant, among other things, copies of specified identification and a statement that the business will only employ or use certified persons to provide massage services and failure to comply with this provision may result in suspension or revocation of, imposition of conditions upon, or action against the certificate of registration.

The proposed changes would authorize the city of Auburn to require a massage establishment or business to comply with specified local ordinances, regulations, rules, requirements, or restrictions as

a condition of granting or maintaining a revocable certificate of registration. In addition, the proposed changes would authorize a city, county, or city and county to, at its sole discretion, suspend, revoke, or impose conditions upon a certificate of registration for cause.

The California Police Chiefs Association has also taken an active interest in SB 731 and is monitoring the current proposed changes. They were recently in attendance at the sunset oversight hearing conducted jointly by the Senate and Assembly Business and Professions Committees. At issue was the first inquiry as to whether or not SB 731 would be allowed to sunset or would be prolonged. Several tenured law enforcement professionals were part of the witness pool and they provided compelling testimony about the failures of current law.

Although the Business and Professions Committee took no immediate action in the wake of the hearing, there was strong sentiment expressed by committee members that SB 731 has failed and needs a major overhaul, or should simply be allowed to quietly expire. Police Chiefs from all over the state provided for anecdotal information about the impact of SB 731 in their jurisdictions and that information was also shared with committee members.

The sunset review process moves more slowly than most other legislative activity, and it is estimated that we will not see any concrete language until early summer 2014. The California Police Chiefs Association is actively engaged with the committee to make sure public safety interests are protected.

Between 05-12-2010 and 02-02-2014, the Auburn Police Department received eleven complaints involving the three Massage Facilities in Auburn. The complaints involve allegations of Unlawful Touching, Unlawful Massage Facility Operation, Attempted Burglary, and Sexual Penetration with a Foreign Object with an Unconscious Victim.

The common denominator in these investigations is the unlicensed massage therapists. The perpetrator does not have valid identification and leaves Auburn after the act is reported to Law Enforcement, and business owner is not able or not willing to divulge the identity or whereabouts of the perpetrator. The perpetrators are usually a foreign national.

Notice should be given to the fact that this type of business activity is a commonly used to accommodate Human Trafficking. Any ongoing investigations involving Human Trafficking are confidential.

Alternatives Available to Council

- Accept the recommendation
- Deny the recommendation

Fiscal Impacts

There has been no fiscal impact identified. This is an informational item to review, discuss, comment on, and provide future direction.